

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-42 are pending. Claims 1-9, 13-25, 31-34, 38, 39, 41, and 42 have been allowed. Therefore, only claims 10-12, 26-30, 35-37, and 40 are currently at issue. Claims 10, 11, 26, and 27 have been amended.

Claims 10 and 11 have been amended to specify that Z is not cyano in these claims. Support for this amendment is found in the specification at, for example, page 23, lines 12-13; and page 25, lines 5-7.

Claims 26 and 27 have been amended to exclude hydroxy and amino from the list of possible R¹ substituents. Support for this amendment is found in the specification at, for example, page 12, lines 20-23.

No new matter has been added.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 26 and 27 have been rejected under 35 U.S.C. §112, first paragraph, as lacking enablement of the recited substituents at R, R¹, Y, and Z. According to the Examiner, these claims, which depend from claim 1, recite certain R¹ substituents (hydroxy and amino) that have been removed from claim 1.

Claims 26 and 27 have been amended to exclude hydroxy and amino from the list of possible R¹ substituents. Therefore, Applicant respectfully requests that this rejection be withdrawn.

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Claims 10 and 11 have been rejected under 35 U.S.C. §112, first paragraph, as lacking enablement of the conversions of R, Hal, and Z groups "in any order." The Examiner refers to the specification as stating that a cyano group may be converted to dimethylaminomethyl, and then Examiner concludes that the order of conversions is restricted because, when both R and Z are cyano, conversion of Z to dimethylaminomethyl could convert R to dimethylaminomethyl as well.

Claims 10 and 11 have been amended to specify that Z is not cyano in these claims. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claim Objections

Claims 12, 28-30, 35-37, and 40 have been objected to as depending from a rejected base claim. These claims remain in dependent form because it is believed that the rejections of their base claims have been overcome by the amendments and associated arguments presented herein.

Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 27, 2009

Respectfully submitted,

By 

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